IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Richard Rodenbusch, Daniel N. Duncan
Assignee:	Austin Logistics Incorporated
Title:	Method and System for Distributing Outbound Telephone Calls

Serial No.:	09/901,749	Filed:	July 9, 2001
Examiner:	Hector A. Agdeppa	Group Art Unit:	2643
Docket No.:	ALI 0106	Customer No.:	33438

April 25, 2006

Mail Stop Appeal Brief - Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

Dear Sir:

Applicant submits this Appeal Brief pursuant to the Notice of Appeal filed in this case on March 16, 2006. A check is enclosed which includes the $250.00 fee for this Appeal Brief. The Board is also authorized to deduct any other amounts required for this appeal brief and to credit any amounts overpaid to Deposit Account. No. 502264.

I.   REAL PARTY IN INTEREST - 37 CFR § 41.37(c)(1)(i)

The real party in interest is the assignee, Austin Logistics Incorporated, as named in the caption above and as evidenced by the assignment set forth at Reel 011994, Frame 0459.

II.   RELATED APPEALS AND INTERFERENCES - 37 CFR § 41.37(c)(1)(ii)

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals

and Interferences in the pending appeal. Two related applications were recently allowed in response to Applicants' Appeal Briefs in those applications: "System and Method for Common Account Based Routing of Contact Records," U.S. Patent Application Serial No. 10/456,575; and "System and Method for Preemptive Goals Based Routing of Contact Records," U.S. Patent Application Serial No. 10/095,513.

III. STATUS OF CLAIMS - 37 CFR § 41.37(c)(1)(iii)

Claims 49 - 104 are pending in the application. The Examiner has indicated allowance of claims 49, 50 and 56. The rejection of claims 51 - 55 and 57 - 104 is appealed. Appendix "A" contains the full set of pending claims.

IV. STATUS OF AMENDMENTS - 37 CFR § 41.37(c)(1)(iv)

No amendments after final have been requested or entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR § 41.37(c)(1)(v)

Predictive dialers automatically place calls and forward contacts to agents so that agents' time is not wasted dealing with unanswered calls or answering machines (2:12-20). Often businesses will use multiple dialers to perform contacts (2:21-28). A difficulty that arises with the use of multiple dialers is that the management of individual dialers makes an overall contact strategy across plural dialers difficult to coordinate (2:29-3:23). In order to better coordinate contact strategies of separate dialers, a distribution module interfaces with plural dialers, places contact records into pools, transfers the contact records from the pools to queues, and then transfers the queues to the dialers. (5:17-30; 10:21-11:24; Figure 1, module 102 and dialing devices 108).

Independent Claim 58 recites a system for distributing outbound telephone calls with a "plurality of dialing devices" and a "distribution module" that places call records into pools, transfers less than all of the call records from the pools to queues and transfers the queues to the dialing devices. Independent Claim 86 recites a method of transferring less than all of the call

records from "pools to a plurality of queues" and transferring the queues to "a plurality of dialing devices." Claim 58 recites that each dialing device provides "a plurality of telephone calls to the plural agents associated with the dialing device." Claim 86 recites the dialing of call records of queues to "connect agents associated with each dialing device to call records contacted by each dialing device."

Each of rejected Independent Claims 51 – 55 and 57 recites the distribution module and plurality of dialing devices recited by Claims 58 and 86. In addition to these common elements, Claim 51 recites that the distribution module "transfers call records from the first pool to the first and second queues when the second pool contains no call records" (16:2-9) Claim 52 recites "altering the transferring of call records from at least one of the pools to at least one of the queues without stopping the dialing" (7:2-5, 25-30); Claim 53 recites "transferring call records from the second pool to the first set of one or more queues" (16:2-9); Claims 54 and 55 recite transferring call records "using a plurality of selection rules" (17:27-20-12); and Claim 57 recites "transferring call records from the first pool to the first and second queues when the second pool become depleted" (16:2-9).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL - 37 CFR § 41.37(c)(1)(vi)

Are Independent Claims 51 – 55, 57-58 and 86 properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,963,635 issued to Szlam et al. in view of "applicant's admitted prior art" and further in view of U.S. Patent No. 5,822,400 issued to Smith?

VII. ARGUMENT - 37 CFR § 41.37(c)(1)(vii)

Applicants' claimed invention coordinates the operation of plural dialing devices by distributing call records between the dialing devices. The Examiner's rejections are improper because the Examiner has failed to cite prior art that coordinates the operation of plural dialing devices. Accordingly, Applicants respectfully request that the Board reverse the Examiner and issue all pending claims.

Szlam discloses a single device to connect contact records for a single set of a plurality of

agents.

Applicants' background at page 3, lines 16-23, states "A similar problem occurs with a single call center having multiple dialers. Calling list segmentation typically occurs at a host level, where each dialing device is assigned a portion of the calling list. A host downloads the segmented calling list to the individual dialing devices. If one dialing device fails, the other dialing devices do not know the status of telephone numbers in the failed dialing device's segment."

Smith discloses a call record scheduling system for prioritizing call records for a single outbound dialing system.

Szlam, Applicants' background and Smith taken separately or together cannot make obvious Claims 51-55 and 58-104 because Szlam, Applicants' background and Smith fail to teach, disclose or suggest all elements recited by Independent Claims 51-55, 57, 58 and 86. For instance, Szlam discloses only a single device for establishing contacts with a single set of agents. Applicants' background discloses that co-located multiple dialers are assigned segmented calling lists without active coordination between dialers. Smith discloses prioritizing call records for a single outbound dialing system. Each of Independent Claims 58 and 86 recite a plurality of dialing devices and a distribution module that coordinates transfer of contact records to the plurality of devices by using pools and queues. The Examiner's reliance on Applicants' background to show "a plurality of dialing devices in a call center" is the worst kind of hindsight application of prior art since no teaching, suggestion or motivation exists for active coordination between dialing devices, such as transferring records from pools to queues to the dialing devices with a distribution module. Further, the Examiner has no basis to reject Claims 51-55 and 57 which recite elements in addition to those of Claims 58 and 86 that further define the coordination provided by the distribution module. Accordingly, Applicants respectfully request that the Board reverse the Examiner's rejections to Claims 51-55 and 57-104 and issue a notice of allowance without further delay.

VIII.   CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)

A copy of the pending claims involved in the appeal is attached as Appendix A.

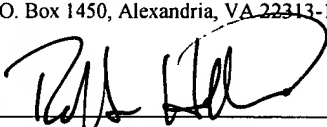## IX.   EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None

X.   RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)
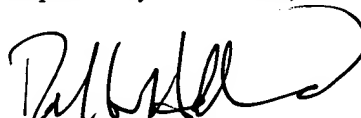
There are no related proceedings.

XI.   CONCLUSION

For the reasons set forth above, Applicant respectfully submits that the rejection of pending Claims 51 - 55 and 57 - 104 is unfounded, and requests that the rejection of claims 51 - 55 and 57 - 104 be reversed.

Respectfully submitted,

Robert W. Holland
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49.   A system for distributing outbound telephone calls, the system comprising:

a plurality of dialing devices operable to receive a plurality of call records and to provide a plurality of telephone calls to one or more agents;

a distribution module interfaced with the plurality of dialing devices and including a plurality of pools and a plurality of queues, the distribution module operable to place the call records into the pools, transfer less than all of the call records from the pools to the queues, and transfer the queues to the dialing devices; and

a plurality of contingency modules associated with the dialing devices, the contingency modules operable to secure the call records within the dialing devices upon a failure of the distribution module.

50.   The system of Claim 49 wherein the contingency modules are further operable to secure the call records within the dialing devices upon a loss of communication between the distribution module and the dialing devices.

51.   A system for distributing outbound telephone calls, the system comprising:

a plurality of dialing devices, each dialing device operable to receive a plurality of call records and to provide a plurality of telephone calls connected to the call records to one or more agents, each agent associated with one dialing device to connect with calls placed only by that associated dialing device; and

a distribution module interfaced with the plurality of dialing devices and including a plurality of pools and a plurality of queues, the distribution module operable to place the call records into the pools, transfer less than all of the call records from the pools to the queues, and transfer the queues to the dialing devices;

wherein the distribution module transfers call records from a first pool to a first queue and call records from a second pool to a second queue and wherein the distribution module transfers call records from the first pool to the first and second queues when the second pool contains no call records.

52.   A method for distributing outbound telephone calls, the method comprising:

transferring a plurality of call records to a distribution module;

organizing the call records into a plurality of pools;

transferring less than all of the call records from the pools to a plurality of queues; and

transferring the queues to a plurality of dialing devices;

dialing at each dialing device the call records of a transferred queue; and

altering the transferring of call records from at least one of the pools to at least one of the
queues without stopping the dialing.

53.   A method for distributing outbound telephone calls, the method comprising:

transferring a plurality of call records to a distribution module;

organizing the call records into a plurality of pools;

transferring

call records from a first pools to a first set of one or more queues;

transferring call records for a second pool to a second set of one or more queues;

transferring the queues to a plurality of dialing devices;

dialing all of the call records of the first pool; and

transferring call records from the second pool to the first set of one or more queues.

54.   A method for distributing outbound telephone calls, the method comprising:

transferring a plurality of call records to a distribution module;

organizing the call records into a plurality of pools;

transferring less than all of the call records from the pools to a plurality of queues using a
plurality of selection rules;

transferring the queues to a plurality of dialing devices;

dialing at each dialing device the call records of the queue transferred to the dialing
device; and

connecting contacts of a dialing device to agents associated only with that dialing device;

wherein the selection rules comprise two or more pools transferring call records to the
queues based on a priority for each pool.

55.   A method for distributing outbound telephone calls, the method comprising:

transferring a plurality of call records to a distribution module;

organizing the call records into a plurality of pools;

transferring less than all of the call records from the pools to a plurality of queues using a
plurality of selection rules; and

transferring the queues to a plurality of dialing devices, each dialing device having agents
associated only with that dialing device that connect with contacts made by
dialing call records by the that dialing device;

wherein the selection rules comprise two or more pools simultaneously transferring call
records to the queues.

56. (Previously Amended) A method for distributing outbound telephone calls, the
method comprising:

transferring a plurality of call records to a distribution module;

organizing the call records into a plurality of pools;

transferring less than all of the call records from the pools to a plurality of queues; and

transferring the queues to a plurality of dialing devices by locking the call records to each
dialing device, creating a plurality of contingency files specific for each dialing
device and updating the contingency files with call attempt results.

57. A method for distributing outbound telephone calls, the method comprising:

transferring a plurality of call records to a distribution module;

organizing the call records into a plurality of pools;

transferring call records from a first pool to a first queue;

transferring call records from a second pool to a second queue;

transferring the queues to a plurality of dialing devices, each dialing device having plural
agents, the agents assigned only to that dialing device to connect with contacts
made by dialing the call records with that dialing device; and

transferring call records from the first pool to the first and second queues when the
second pool become depleted.

58. A system for distributing outbound telephone calls, the system comprising:

a plurality of dialing devices, each dialing device associated with plural agents and operable to receive a plurality of call records and to provide a plurality of telephone calls to the plural agents associated with the dialing device; and

a distribution module interfaced with the plurality of dialing devices and including a plurality of pools and a plurality of queues, the distribution module operable to place the call records into the pools, transfer less than all of the call records from the pools to the queues, and transfer the queues to the dialing devices.

59.   The system of Claim 58 wherein the distribution module controls the coordination of the call records to the dialing devices.

60.   The system of Claim 58 wherein the distribution module transfers additional call records from the pools to the queues when the dialing devices have called the call records initially transferred to the queues.

61.   The system of Claim 58 wherein the distribution module routes the queues over TCP/IP to the dialing devices.

62.   The system of Claim 58 wherein the distribution module routes the queues over asynchronous transfer mode to the dialing devices.

63.   The system of Claim 58 wherein the distribution module comprises a server that supports TCP/IP.

64.   The system of Claim 58 wherein the dialing devices comprise predictive dialers.

65.   The system of Claim 58 wherein the distribution module monitors the dialing devices to determine a successful or unsuccessful call attempt result for the telephone calls placed using the call records.

66.   The system of Claim 65 wherein the distribution module transfers from the dialing devices the call attempt results.

67.   The system of Claim 58 wherein the distribution module monitors the number of call records in the queues remaining to be called by the dialing devices.

68.   The system of Claim 58 wherein the queues include a plurality of selection rules that control how the pools transfer call records to the queues.

69.   The system of Claim 68 wherein the selection rules comprise priority rules.

70.   The system of Claim 68 wherein the selection rules comprise percentage rules.

71.   The system of Claim 68 wherein the selection rules comprise a combination of the percentage rules and the priority rules.

72.   The system of Claim 58 further comprising:
a user interface associated with the distribution module, the user interface operable to
        allow a user to control the functionality of the distribution module.

73.   The system of Claim 72 wherein the user interface comprises an online interface associated with a browser.

74.   The system of Claim 58 further comprising a plurality of contingency modules associated with the dialing devices, the contingency modules operable to secure the call records within the dialing devices upon a failure of the distribution module.

75.   The system of Claim 74 wherein the contingency modules are further operable to secure the call records within the dialing devices upon a loss of communication between the distribution module and the dialing devices.

76.   The system of Claim 58 further comprising a call record database associated with the distribution module, the call record database operable to store the call records and the call attempt results.

77. The system of Claim 58 wherein the distribution module redistributes call records to the pools based upon the unsuccessful call attempt results.

78. The system of Claim 58 wherein the distribution module associates the queues with a campaign on the dialing devices.

79. The system of Claim 78 wherein the distribution module dynamically modifies the order of the call records within the pools without stopping the campaign.

80. The system of Claim 78 wherein the distribution module dynamically changes the composition of the call records within the pools without stopping the campaign.

81. The system of Claim 58 further comprising a scheduling module interfaced with the distribution module, the scheduling module operable to schedule call records in the pools instead of the dialing devices.

82. The system of Claim 58 further comprising additional distribution modules interfaced with the distribution module and the dialing devices, the additional distribution modules operable to transfer and provide call records to other distribution modules and the pools and provide redundancy.

83. The system of Claim 58 wherein the distribution module transfers call records to the queue from a first pool and transfers call records to the queue from a second pool when the call records in the first pool are depleted.

84. The system of Claim 58 wherein the distribution module transfers call records to the queue from a first set of pools simultaneously and transfers call records to the queue using a second set of pools when the call records in the first set of pools are depleted.

85. The system of Claim 58 wherein the distribution module transfers call records from a first pool to a first queue and call records from a second pool to a second queue and wherein the distribution module transfers call records from the first pool to the first and second

queues when the second pool contains no call records.

86.   A method for distributing outbound telephone calls, the method comprising:

transferring a plurality of call records to a distribution module;

organizing the call records into a plurality of pools;

transferring less than all of the call records from the pools to a plurality of queues;

transferring the queues to a plurality of dialing devices, each dialing device having plural

associated agents; and

dialing at the dialing devices the call records of the transferred queues to connect agents

associated with each dialing device to call records contacted by each dialing

device.

87.   The method of Claim 86 wherein the pools comprise a specific and ordered group of call records.

88.   The method of Claim 86 wherein transferring the queues to the dialing devices comprises assigning a queue to a specified dialing device.

89.   The method of Claim 86 wherein transferring call records from the pools to the queues comprises transferring call records from one pool to one queue.

90.   The method of Claim 86 wherein transferring call records from the pools to the queues comprises transferring call records from more than one pool to one queue.

91.   The method of Claim 86 wherein transferring call records from the pools to the queues comprises transferring call records from one pool to more than one queue.

92.   The method of Claim 86 wherein transferring the queues to the dialing devices comprises associating the queues with a campaign on the dialing devices.

93.   The method of Claim 86 wherein transferring call records from the pools to the queues comprises changing which pools transfer records to a particular queue without stopping

the campaign.

94.   The method of Claim 86 wherein transferring call records from the pools to the queues comprises the pools transferring call records to a first queue with the ability to transfer call records to a second queue if the pools transferring call records to the second queue become depleted.

95.   The method of Claim 86 wherein transferring call records from the pools to the queues comprises transferring a set number of call records which allows for a set amount of calling for each queue.

96.   The method of Claim 86 further comprising:
uploading a plurality of call attempt results from the dialing devices to the distribution
        module; and
determining the number of call records remaining to be called in the queues and a
        depletion rate at which the dialing devices call the call records in the queues.

97.   The method of Claim 96 further comprising determining if additional call records are needed in the queues based upon the number of call records remaining to be called and the depletion rate.

98.   The method of Claim 97 further comprising transferring additional call records from the pools to the queues.

99.   The method of Claim 86 further comprising redistributing the call records to the pools based on unsuccessful call attempt results.

100.   The method of Claim 86 wherein transferring the call records from the pools to the queues comprises transferring call records to the queues using a plurality of selection rules.

101.   The method of Claim 100 wherein the selection rules comprise two or more pools transferring call records to the queues based on a priority for each pool.

102. The method of Claim 100 wherein the selection rules comprise two or more pools simultaneously transferring call records to the queues.

103. The method of Claim 86 wherein transferring the queues to a plurality of dialing devices comprises:

locking the call records to each dialing device;

creating a plurality of contingency files specific for each dialing device; and

updating the contingency files with call attempt results.

104. The method of Claim 86 wherein transferring the call records from the pools to the queues comprises:

transferring call records from a first pool to a first queue;

transferring call records from a second pool to a second queue; and

transferring call records from the first pool to the first and second queues when the

second pool becomes depleted.

EVIDENCE APPENDIX "B" - 37 CFR § 41.37(c)(1)(ix)

None

RELATED PROCEEDINGS APPENDIX "C" - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.